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1 - Prep work finished for demolition at Asarco

El Paso Times, 04/11/2013

http://www.elpasotimes.com/ci_22999917/prep-work-finished-demolition-at-asarco

The stage is set. The former Asarco copper smelter site in West-Central El Paso is ready for the \$1-million-plus demolition of two large smokestacks to take place near sunrise Saturday. "Our team has been working very hard to prepare the site, and I think we left no stone unturned to make this demolition event as safe as can be done," said Roberto Puga, the trustee in charge of cleaning up and selling the 600-acre smelter site.

2 - ExxonMobil Hands Over Thousands of Documents to Arkansas AG

KARK Little Rock, 04/11/2013

http://ozarksfirst.com/fulltext?nxd_id=791872

One week after Attorney General Dustin McDaniel subpoenaed all records and documents pertaining to the Exxon Mobil pipeline that ruptured in Mayflower, the oil company hands over nearly 13,000 pages of information. Attorney General Dustin McDaniel demanded Exxon Mobil hand over all records and documents on the 65 year old line running through Mayflower that spilled 5 thousand barrels of oil on the Northwoods subdivision March 29th.

3 - First Mayflower Residents to be Allowed Back Home after Oil Spill

Fox 16, 04/11/2013

http://www.fox16.com/news/local/story/First-Mayflower-Residents-to-be-Allowed-Back-Home/9G-g0xoXWUiigxgg_tqelA.csp?rss=315

Some of the first Mayflower residents evacuated after the oil spill nearly three weeks ago will be allowed back inside their homes starting today. That was revealed in a morning news conference at City Hall. State agencies, ExxonMobil and the U.S. Environmental Protection Agency (EPA) gathered for the update on the cleanup from the March 29th spill after a pipeline broke open. The EPA told reporters the agency is "satisfied" with Exxon and "significant progress" has been made.

4 - Arkansas AG Says Oil Pipeline Gash 22 Feet Long

ABC News, 04/11/2013

<http://abcnews.go.com/US/wireStory/arkansas-ag-oil-pipeline-gash-22-feet-long-18928405#.UWbJrJNm1Ap>

An ExxonMobil pipeline that ruptured last month and spilled thousands of barrels of oil in central Arkansas has a gash in it that is 22 feet long and 2 inches wide, state Attorney General Dustin McDaniel said Wednesday. "The pipeline rupture is substantially larger than many of us initially thought," McDaniel told reporters Wednesday evening. McDaniel's update on the March 29 oil spill in Mayflower, about 25 miles northwest of Little Rock, comes as lawyers and investigators review more than 12,500 pages of documents his office received from ExxonMobil.

5 - Attorney General Dustin McDaniel Gives Update on Oil Spill

Fox 16, 04/11/2013

<http://www.fox16.com/news/local/story/Attorney-General-Dustin-McDaniel-Gives-Update-on/0YxiReoH2UWQwfcyaXAvYQ.csp?rss=315>

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6 - Gloom for Keystone XL: Is Arkansas Oil Spill a Taste of Things to Come?

The International, 04/11/2013

<http://www.theinternational.org/articles/393-gloom-for-keystone-xl-is-arkansas-oil-sp#>

On March 26, Exxon-Mobil's "Pegasus" pipeline ruptured in an Arkansas neighborhood, spilling thousands of barrels of Canadian tar sands oil meant to be delivered to Texas refineries. Categorized as a major spill by the Environmental Protection Agency (EPA), the incident forced 22 families out of their homes, as crews recovered 12,000 barrels of water and oil. The cleanup continues with attempts to retrieve the oil before it penetrates Lake Conway, the water source for hundreds of thousands of Little Rock residents.

7 - EPA wants thorough review of port projects

Houston Chronicle, 04/10/2013

<http://www.chron.com/news/science/article/EPA-wants-thorough-review-of-port-projects-4424531.php>

The federal government wants environmental studies on three projects related to the expansion of the state Port of Gulfport conducted so the impact on the entire Turkey Creek Watershed can be determined. The Sun Herald reports (<http://bit.ly/12K9qj7>) that the Environmental Protection Agency, in a letter to the U.S. Army Corps of Engineers office in Mobile, Ala., singles projects still in the planning stage.

8 - State Leading in Reduction Of Pollutants From Streams

Ponca City News, 04/10/2013

<http://www.poncacitynews.com/State-Top-in-Controlling-Nutrients-in-Water-2013-04-10>

A recent comparison of EPA priority nonpoint source pollutant reduction numbers from across the nation shows that Oklahoma again ranks as the No. 1 state when it comes to reducing harmful nutrients from streams and rivers. This is the second year in a row that Oklahoma has ranked No. 1 among states in reported non-point source nutrient reductions and the fourth year for the state to be in the Top 10, according to Kim Farber, President of the Oklahoma Association of Conservation Districts.

9 - PNM plans for power plant reductions; Utility donates to Navajo Nation, economic group

Farmington Daily Times, 04/10/2013

http://www.daily-times.com/ci_22999936/pnm-plans-power-plant-reductions-utility-donates-navajo

Public Service Company of New Mexico is working to ease the economic blow from the partial shutdown of San Juan Generating Station that is planned for the end of 2017. PNM has pledged \$1 million to the Navajo Nation for job retraining. Many of the plant's employees are Navajo. The Albuquerque-based utility company has also agreed to donate \$150,000 over three years to Four Corners Economic Development to help the group's efforts to diversify the local economy beyond the energy industries.

10 - The gasoline that can void your vehicle's warranty

KJRH Tulsa, 04/11/2013

http://www.kjrh.com/dpp/news/problem_solvers/the-gasoline-that-can-void-your-vehicles-warranty

E15 is gasoline blended with 15 percent ethanol; supporters say it is better for the environment. Detractors say it will cause engine and fuel system damage. AAA released this information including a list of vehicle manufacturers who say fuel related claims caused by the use of E15 will either not be covered or will void the warranty coverage all-together: AAA research reveals need for industry to suspend E15 sales to protect motorists

11 - Obama Requests 3.5 Percent EPA Cut; Proposal Would Replace Sequester Cuts

BNA's Daily Environment Report, 04/11/2013

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=30340610&vname=denotallissues&id=a0d7e6g4e7&split=0

President Obama April 10 proposed a fiscal year 2014 budget containing \$8.2 billion in total funding for the Environmental Protection Agency, a decrease of \$296 million, or 3.5 percent, compared to the fiscal 2012 enacted level. The budget proposal would make "focused cuts" to EPA programs, including a \$472 million cut in funding for state water infrastructure funds and a \$33 million cut to the superfund program. The president also proposed \$54 million in savings through the elimination or reduction of EPA programs, including beach protection and indoor radon grants.

12 - Trio of Texas bills attempt to tackle water use in drilling

Energywire, 04/11/2013

<http://www.eenews.net/energywire/print/2013/04/11/3>

Democrats in Texas are moving to more tightly regulate freshwater use for hydraulic fracturing in oil and gas operations, proposing new recycling rules and fees in the nation's biggest energy state. Yesterday in Austin, members of the state House Energy Resources Committee took up for the first time a handful of bills that would push drillers in the state to use recycled flowback or produced water in hydraulic fracturing.

13 - Agriculture Industry Charges Bias In Draft EPA Stream Quality Survey Data

Inside EPA, 04/10/2013

<http://insideepa.com/201304102430416/EPA-Daily-News/Daily-News/agriculture-industry-charges-bias-in-draft-epa-stream-quality-survey-data/menu-id-95.html>

The agriculture industry is attacking the assumptions underlying EPA's first-time draft survey of water quality conditions of major rivers and streams, saying the report -- which claims resources are "under significant stress" due to excess levels of nutrients and other pollutants -- cherry-picks "pristine" baseline conditions not achievable in areas with even minimal human impact.

Prep work finished for demolition at Asarco

By Vic Kolenc \ El Paso Times El Paso Times

Posted:

El Paso Times.com

- » Watch live video, get updates from Asarco smokestacks demolition on Saturday
- » See photos, past stories on Asarco special section

The stage is set.

The former Asarco copper smelter site in West-Central El Paso is ready for the \$1-million-plus demolition of two large smokestacks to take place near sunrise Saturday.

"Our team has been working very hard to prepare the site, and I think we left no stone unturned to make this demolition event as safe as can be done," said Roberto Puga, the trustee in charge of cleaning up and selling the 600-acre smelter site.

Most of the preparation work was done last week, and the installation of a huge water-mist system, one of the dust-control mechanisms, was completed this week, Puga reported.

A 612-foot smokestack, about the height of a 50-story building, used at the site's long-closed lead smelter, will be demolished first with a blast of explosives.

That will be followed about eight seconds later with a blast to demolish the iconic, 828-foot smokestack used for the copper smelter, which stopped operations in 1999. That 47-year-old stack, almost the height of a 70-story building, is visible for miles. It has the Asarco name painted on its side.

It's that stack that Sunland Park restaurateur Roberto Ardovino spent about a year leading an unsuccessful effort to try to save. Ardovino sees the smokestack as a historic landmark that could have anchored the site's eventual redevelopment.

Come Saturday, Ardovino said, he plans to be out of town.

"I won't watch it," Ardovino said of the stacks' demolition. "It's a real low spot in El Paso history."

Ardovino also said he's not satisfied that the demolition's dust won't cause environmental and health problems. He doesn't trust tests Puga's team had done on material samples taken from the stacks. Puga said the tests show the stacks contain no elements at a level that would pose a health or environmental risk during the demolition.

State and federal environmental officials said they see no problems with the demolition plan.

Ardovino said he's also worried winds will carry demolition-created dust off the Asarco site.

The trustee's demolition plan states that demolition will be delayed if sustained winds of 15 mph or more, or wind gusts of 30 mph are occurring when demolition is to begin, now set for around 6:30 a.m. If the demolition were to be canceled Saturday, it would be rescheduled for the same time Sunday, Puga said. The only other thing that could stop the demolition is lightning, Puga said.

"I don't think anyone has done anything to this extent for dust control" on this type of demolition, Puga said. "We've spent a million-plus (dollars) on dust control. There will be a big dust cloud. But the goal is to keep the dust on the site itself."

The demolition will cost an estimated \$1.6 million to \$2 million, Puga said. The actual demolition will cost about \$400,000, and the rest of the costs are tied to dust control, he said. Those costs will be paid from \$52 million that Asarco put in a trust for clean up of the site.

Puga said the dust-control measures include putting a geo textile, cushioned liner on top of the ground in the smoke stacks' fall zone. It's like a thick, wool blanket and covered with clean soil, and then sprayed with a binding agent to keep the dust down, he said. As another dust-control measure, an adhesive-like material has also been applied to inside walls of each stack.

Ardovino is a member of El Paso AWARE, a group that's been questioning the adequacy of the remediation efforts at the site, and is now collecting names on an online petition ([on change.org](http://onchange.org)) in hopes of stopping the demolition.

The petition is to be sent to the Environmental Protection Agency's regional administrator in Dallas today. It asks the agency to stop the demolition until the group's health and environment concerns are addressed. The petition had more than 250 signees Wednesday evening.

El Paso AWARE members have also circulated a letter sent this week to the EPA and others from Ivonne Santiago-Lopez, who said she's an environmental engineer with concerns about whether the stacks were properly tested for asbestos and chemicals, and whether all asbestos was removed from the stacks.

Puga said the letter prompted him to have core samples previously taken from the stacks to be tested in a lab Wednesday for asbestos. The results showed no evidence of asbestos, he said. The tests were done to allay any concerns he said, and the results will be sent to the EPA and posted on the trustee's website (recastingthesmelter.com), he said.

Asbestos was removed from a gasket on the big stack's flume as part of the Asarco site's asbestos removal plan, Pugo said. No asbestos was found in the small stack, he said.

The smokestacks' demolition plan was submitted to the Texas Commission on Environmental Quality, or TCEQ, the state's environmental agency, and the EPA, and the agencies' suggestions were incorporated into the final plan, Puga said.

Andrea Morrow, a spokeswoman for the state environmental agency in Austin said both the state agency and the EPA reviewed the Asarco smokestacks demolition plan.

"Both of us and the EPA work closely with the Asarco trustee on all aspects of remediation" at the former smelter site, she said.

An emailed statement from Jennah Durant, a spokeswoman for the EPA's regional office in Dallas, said, "The EPA believes the preparations and final demolition plan are protective of the environment and people's health."

EPA officials have been talking with members of the community to answer their questions and share information, the statement said. Stack sampling results and other information is on the trustee's website, the

statement noted.

Brandenburg Industrial Service Co., of Chicago, and Dykon Explosive Demolition Corp., of Tulsa, are the contractors hired to demolish the smokestacks.

Dykon did the explosive demolition of the Dallas Cowboys' former stadium in Irving in 2010, and has been responsible for the demolition of more than 100 chimneys around the world, according to the Asarco trustee's demolition plan. Brandenburg has conducted demolition of smelter smokestacks in Arizona, New Mexico and other parts of the United States, the plan reports. Brandenburg also did the explosive demolition in 2004 of the Philadelphia Phillies' and Philadelphia Eagles' former stadium, the plan reported.

The smokestacks are to fall like trees toward the center of the Asarco site, according to the demolition plan.

The stacks will break into big and little chunks as they fall, Puga said. One big chunk from the big stack is to be preserved and is expected to be placed somewhere on the site by the El Paso County Historical Society as a memorial, Puga said. Some small chunks from the big tower will be encased in plastic and given to various people as mementos, he said.

Most of the towers' remaining pieces will be crushed, after iron rebar is removed for recycling, and the crushed material buried on the Asarco site, Puga said. Chunks will be tested after the demolition for hazardous materials. If tests determine pieces contain hazardous material, then the pieces would go in an area set aside on the site for hazardous waste, he said.

The demolition plan states there is a remote possibility the stacks could tumble in the wrong direction and fall across Paisano Drive, which will be closed during the demolition. If the smaller stack falls in the wrong direction, it also has the potential to fall across the Rio Grande, the report states. If one or both stacks were to fall across Paisano, the demolition contractors would work with the city's Office of Emergency Response to remove the debris from the road, the plan states. The U.S. Border Patrol would have the lead in any response if the small stack were to fall in the Rio Grande.

Juárez officials have been asked to close streets in Juárez near the Asarco site, the report added.

A command post and viewing area for news media and invited guests will be on the edge of the Asarco site near Executive Center. No public viewing areas are being set up. UTEP officials have elected to keep Sun Bowl Drive open Saturday. People can watch the smokestacks' demolition from some vantage points along Sun Bowl Drive. The university plans to have increased campus police patrols Saturday morning, a UTEP spokeswoman said.

Carlos Rodriguez, 64, a former Asarco smelter worker who is a part of El Paso AWARE, said he, too, has concerns about the stacks' demolition. But he plans to invite other former Asarco workers to view the demolition from the parking lot of the former Jaxon's restaurant on Mesa. He said he plans to release two black pigeons signifying the "bad stuff" from Asarco, and a white pigeon to signify a new beginning.

"It will really be a touching moment for the (former Asarco) workers," Rodriguez said of the stacks' demolition.

Puga said demolition of the stacks is only part of the ongoing cleanup of the Asarco site, which, he said, remains on a target for completion in 2015.

Vic Kolenc may be reached at vkolenc@elpasotimes.com, 546-6421. Follow him on Twitter [@vickolenc](https://twitter.com/vickolenc)

Read the report

- The final demolition plan for the Asarco smokestacks is online at recastingthesmelter.com. Scroll down on the home page of the Asarco trustee's website to find a news release with a link to the report.

[Areal Flood Watch - Bates, Henry](#)

severe weather alert

ExxonMobil Hands Over Thousands of Documents to Arkansas AG



By: [KARK- Little Rock, Ark](#)

Updated: April 11, 2013



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Attorney General Dustin McDaniel demanded Exxon Mobil hand over all records and documents on the 65 year old line running through Mayflower that spilled 5 thousand barrels of oil on the Northwoods subdivision March 29th.

"We received 12,587 pages of documents including 5 cd's of data and more than 200 blueprint sized diagrams."

Lawyers and investigators are reviewing those documents as part of the Attorney General's independent investigation. A team of experts will go over the spill site, working with all involved agencies looking at the air and water quality test samples.

"I have requested \$4 million from Exxon to immediately establish a fund to pay for the state's investigative expenses. This is consistent with federal law and the approach taken by the Attorney General on the gulf coast who were advanced \$175 million from the responsible party in that case, BP."

The Attorney General says he still has more questions than answers about why this happened. He says according to state and federal investigators, the broken portion of the pipeline is larger than originally thought. "The rupture itself is more than 22 feet. 22 feet and 3 and a half inches long, and 2 inches wide to be more precise."

The concern and focus remains on cleaning up the oil spill and looking at ways to make sure something like this never happens again. "It is my hope that through our investigation we can identify and implement means in which Arkansans

will and be better protected in the future from this and other aging pipelines."

This is an on-going investigation and the thousands of pages of documents won't be released to the public until the investigation is complete, however the Attorney General says his team should have more information in the coming days.

First Mayflower Residents to be Allowed Back Home after Oil Spill

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Photo courtesy: Environmental Protection Agency.

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[Mayflower, Oil Spill](#)

Updated: 9:35 am Published: 9:33 am

MAYFLOWER, AR - Some of the first Mayflower residents evacuated after the oil spill nearly three weeks ago will be allowed back inside their homes starting today.

That was revealed in a morning news conference at City Hall.

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The EPA told reporters the agency is "satisfied" with Exxon and "significant progress" has been made.

The EPA says the wetlands and marshes affected by the spill remain areas of concern.

ExxonMobil says the company's purchase of homes affected by the spill is a possibility and the next step would be to talk to homeowners.

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Arkansas AG Says Oil Pipeline Gash 22 Feet Long

By JEANNIE NUSS
LITTLE ROCK, Ark.

abcnews.go.com



Arkansas AG says pipeline gash 22 feet long; ExxonMobil hands over 12,500 pages on oil leak

The Associated Press

An ExxonMobil pipeline that ruptured last month and spilled thousands of barrels of oil in central Arkansas has a gash in it that is 22 feet long and 2 inches wide, state Attorney General Dustin McDaniel said Wednesday.

"The pipeline rupture is substantially larger than many of us initially thought," McDaniel told reporters Wednesday evening.

McDaniel's update on the March 29 oil spill in Mayflower, about 25 miles northwest of Little Rock, comes as lawyers and investigators review more than 12,500 pages of documents his office received from ExxonMobil. McDaniel sent a subpoena to ExxonMobil, seeking inspection records, investigative documents and maintenance records related to its Pegasus pipeline that ruptured in Mayflower.

It wasn't immediately clear what all the documents contain; McDaniel said his office received them just before he held a news conference Wednesday.

"More documents will be received and requested from Exxon in coming days," McDaniel said. "But now everyone's priority continues to be the cleanup efforts in Mayflower."

So far, crews have recovered about 28,200 barrels of oily water and about 2,000 cubic yards of oiled soil and debris, according to a statement from ExxonMobil and local officials.

"We still do not know how much oil was released. We still do not know the exact makeup of the crude itself, of the chemical solvents used in the transportation process," McDaniel said. "And our immediate concern tonight is with the weather."

A severe thunderstorm raked the area Wednesday, but there were no immediate reports of weather-related incidents at the site of the oil spill. ExxonMobil and local officials in Mayflower said crews secured equipment and strengthened a containment system protecting the main body of nearby Lake Conway.

McDaniel said he retained a firm to conduct an independent analysis of the cleanup process. He's also retaining technical advisers to provide independent air sampling and other scientific data.

To cover those and other costs, McDaniel requested \$4 million from Exxon.

ExxonMobil spokeswoman Kim Jordan says the company has received McDaniel's letter and will respond directly to his office.

Follow Jeannie Nuss at <http://twitter.com/jeannienuss>

Attorney General Dustin McDaniel Gives Update on Oil Spill

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Updated: 4/10 11:00 pm Published: 4/10 6:00 pm

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Thursday, April 11th, 2013

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Gloom for Keystone XL: Is Arkansas Oil Spill a Taste of Things to Come?

By Adam Pugen

THURSDAY APRIL 11, 2013



Photo: [Howl Arts Collective](#)

Tar sands in Alberta Canada - photo by Dru Oja Jay, Dominion.

On March 26, Exxon-Mobil's "Pegasus" pipeline ruptured in an Arkansas neighborhood, spilling thousands of barrels of Canadian tar sands oil meant to be delivered to Texas refineries. Categorized as a major spill by the Environmental Protection Agency (EPA), the incident forced 22 families out of their homes, as crews recovered 12,000 barrels of water and oil.

The cleanup continues with attempts to retrieve the oil before it penetrates Lake Conway, the water source for hundreds of thousands of Little Rock residents.

Far from an anomaly, the spill has been described by environmentalists as one of many disasters to come with the expansion of tar sands pipelines. Critics of expanding the controversial Keystone XL pipeline – which would carry ten times the amount of tar sands oil than the Pegasus – note that Mayflower, Arkansas is far from the first locale to be accidentally drenched in tar sands oil.

More dramatically, in 2011, Exxon-Mobil's Silvertip pipeline spilled 42,000 gallons of oil into the Yellowstone River. While it threatened residents with dangerous fumes, and sabotaged irrigation procedures of farms and ranches, the spill may have also impacted the ecology of the river. According to Anthony Swift of the National Resources Defense Council, "Very little of the spilled oil is likely to be recovered. Exxon has positively spun this to say that river conditions are 'dispersing' the oil. What this really means is that they are not able to clean the oil up as it contaminates stretches of the Yellowstone River far downstream of the spill site."

Initially, Exxon-Mobil claimed the oil rushing through the Silvertip pipeline was sweet, low sulfur crude, and not from Alberta, Canada. Later, in an email to Reuters, the company revised its statement and said, “The pipeline carries a variety of different production fields in the US and Canada,” meaning that the heavier and more toxic tar sands oil from Canada may have been implicated in the spill. According to Swift, the public’s growing awareness of the safety risks of tar sands oil may have been behind the reluctant disclosure.

The dirtiest oil on the planet

According to energy experts and environmentalists, the difference between tar sands oil and other varieties are not negligible. In the Huffington Post, Michael Brune, executive director of the Sierra Club, wrote that tar sands oil is both more likely to spill, and harder to clean up, than conventional oil. This is due to the transportation method by which chemicals are added to the oil, forming a corrosive, acidic blend known as diluted bitumen or “dilbit.” This, along with the higher pressures and temperatures needed to transport the oil, corrode pipes at a faster rate. According to a National Resources Defense Council report, this may explain why in the same time period, the internal corrosion spill rate from Alberta pipelines carrying tar sands oil was 16 times greater than that of the hazardous liquid pipelines in the United States.

When a pipeline leaks on land or water, the thick raw bitumen forms a dense, sticky layer over rocks and sediments and sinks into wetland sediments. This is why, as Brune notes, the 2010 Enbridge spill of bitumen in the Kalamazoo River has left 38 million miles of the river contaminated after \$1 billion was spent in cleanup procedures.

For this reason and others, the expansion of TransCanada’s Keystone I pipeline into the Keystone XL – bringing 830,000 barrels a day of tar sands oil from Alberta, Canada to the Gulf Coast of Texas – is a highly controversial project.

In the Hill, Bill McKibben, one of the head organizers of anti-Keystone protests, noted the pipeline “spawned the largest civil disobedience action in 30 years in [the United States], when 1,253 people went to jail in opposition in the summer of 2011. It gave rise to the biggest one-day communications push in congressional history, when 800,000 Americans flooded D.C. offices with e-mails and faxes.”

The protests aimed to influence US President Obama, who has yet to make a decision on whether the Keystone XL will be permitted to cross the Canadian border into the United States.

Protesters were galvanized after the Keystone XL was severely criticized by NASA climatologist James Hanson. In a New York Times Op-Ed, Hanson wrote that burning tar sands fuel would mean “game over for the planet.” Composed of the viscous tar bitumen, the tar sands contain far more carbon than other fuels. In a 2011 report, the State Department found that the annual greenhouse gas emissions from tar sands oil are 17 percent higher than those of conventional crude oil.

According to Hanson, the fantastic amount of oil in Canada’s tar sands, contain “twice the amount of carbon dioxide emitted by global oil use in our entire history.” Burning these “dirtiest of fuels,” Hanson notes, would raise atmospheric carbon concentrations to more than 500 parts per million, a level shown by the earth’s history to be inhospitable. Such a level, Hanson writes, would be higher “than in the Pliocene era, more than 2.5 million years ago, when sea level was at least 50 feet higher than it is now. That level of heat-trapping gases would assure that the disintegration of the ice sheets would accelerate out of control. Sea levels would rise and destroy coastal cities. Global temperatures would become intolerable. Twenty to 50 percent of the planet’s species would be

driven to extinction. Civilization would be at risk.”

Alex Pourbaix, president of energy at TransCanada, has denied the Keystone XL would impact climate change. At a forum organized by the National Association of Manufacturers, Pourbaix asserted, "You could shut down oil sands production tomorrow and it would have absolutely no measurable impact on climate change." Noting Canada produces only 2 percent of the world's greenhouse gas emissions, Pourbaix claimed the Keystone XL would yield 5 percent of this total, equaling only "one-tenth of 1% of global greenhouse emissions."

Pourbaix's claims were challenged by Michael Mann, a climate scientist at Pennsylvania State University. While Pourbaix failed to consider the energy cost of refining and transporting the oil, his more essential failure, according to Mann, was ignoring the dangerous precedent set by the Keystone XL. By developing the tar sands, the Keystone project would open and encourage access to the vast quantity of dirty oil, mentioned by Hanson. In *The Associated Press*, Mann warned that by endorsing the pipeline, "we may be insuring that a much larger amount [of the oil reserves] will be economically viable."

Economic value?

While denying the pipeline's harm to the climate, the oil industry and business groups continue to lobby President Obama, citing the pipeline's significant economic advantages.

After a recent report on the Keystone XL by the State Department – garnering some approval from environmentalists, but mostly criticized as too lenient – House speaker John Boehner said, "[The] report again makes clear there is no reason for this critical pipeline to be blocked one more day. After four years of needless delays, it is time for President Obama to stand up for middle-class jobs and energy security and approve the Keystone pipeline."

Job creation and energy security – or decreasing dependence on foreign oil – are two slogans that have been frequently used by supporters of the pipeline. The State Department report, however, complicates these claims, estimating that the pipeline will create roughly 3,900 contract jobs lasting one year, and 35 permanent jobs. This finding widely diverges from claims of Keystone supporters, such as Rep. Greg Walden, who tweeted the pipeline would create 20,000 jobs.

The State Department also found that the Keystone project would not increase energy security for the United States, because its primary purpose is to export oil after it is refined.

Similarly, a report from Oil Change International found that 60 percent of the oil would be exported. Based on documents from the US Energy Information Administration and the Canadian National Energy Board, as well as corporate meetings with investors, the report concludes that the oil refineries plan to expand exports to Europe and Latin America, while taking advantage of the tax-free Foreign Trade Zone in Port Arthur, Texas.

Noting the exaggerated economic benefits of the pipeline, environmental groups 350.org, National Resource Defense Council and Bold Nebraska stated "this is not a pipeline for US economic or energy security, but a project to spur tar sands expansion...and help the oil industry."

While President Obama drew wide acclaim when he vowed to battle climate change in his State of the Union Address, his decision on the Keystone XL is eagerly awaited by environmentalists as the core benchmark which will decide not only Obama's true stance on the environment, but also the future of the world's dependence on

EPA wants thorough review of port projects

| April 10, 2013 | Updated: April 10, 2013 3:08pm

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GULFPORT, Miss. (AP) — The federal government wants environmental studies on three projects related to the expansion of Gulfport conducted so the impact on the entire Turkey Creek Watershed can be determined.

The Sun Herald reports (<http://bit.ly/12K9qj7>) that the Environmental Protection Agency, in a letter to the **U.S. Army Corps of Engineers** office in Mobile, Ala., singles projects still in the planning stage.

The Corps of Engineers is the lead agency for environmental assessments of port expansion; plans by **Ward Investments** to develop property in the Turkey Creek Watershed between U.S. Highway 49 and Canal Road in Gulfport; and a port connector road the state plans to build near Canal Road south of Interstate 10 to the port.

The EPA says in the letter that it and Mississippi environmental officials consider Turkey Creek a priority watershed that includes wetlands that are home to various aquatic life while also serving as one of the first and last watering sites for migratory birds traveling between North America, Central and South America.

The EPA says Turkey Creek community has historic value because it was settled in 1866 by emancipated slaves.

Damon Young, with the corps' Mobile District, said separate permit applications for port expansion, the connector road and the Ward project will each deal with combined effects of the three projects on surrounding communities. Water and air quality, along with economic impacts, are some of the areas the corps will study, he said.

"It's a very, very big deal, especially with the three projects being in this watershed and the proposed impacts on the watershed," Young said.

Information from: The Sun Herald, <http://www.sunherald.com>

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Thursday, April 11, 2013

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State Leading in Reduction Of Pollutants From Streams

4/10/2013

OKLAHOMA CITY— A recent comparison of EPA priority nonpoint source pollutant reduction numbers from across the nation shows that Oklahoma again ranks as the No. 1 state when it comes to reducing harmful nutrients from streams and rivers.

This is the second year in a row that Oklahoma has ranked No. 1 among states in reported non-point source nutrient reductions and the fourth year for the state to be in the Top 10, according to Kim Farber, President of the Oklahoma Association of Conservation Districts.

"This continued improvement in addressing water quality is a testimony to the success of the dedicated work done by farmers, ranchers and other landowners in partnership with the Oklahoma Conservation Commission, local conservation districts, Environmental Protection Agency Clean Water Act 319 programs and the USDA Natural Resources Conservation Service to address this critical issue," Farber said. "This success shows what can happen when we work together, respect individuals' private property rights and when the state and federal governments give landowners the financial and technical assistance they need to make changes. Locally led, voluntary conservation works."

Water quality numbers recently reported by states to the EPA show that in 2012, Oklahoma's Nonpoint Source Program led the nation in phosphorus reduction with more than 2,443,752 pounds of estimated phosphorus load reduced due to voluntary best management practices across the state. In addition, Oklahoma ranked first among the states in reducing nitrogen loading, reducing an estimated 2,695,211 pounds of nitrogen last year. Oklahoma also had an estimated sediment reduction of over 10,000 tons. When these numbers are reviewed in EPA's national Nonpoint Source Database, comparison with the levels of nonpoint source pollution reduced by other states shows that Oklahoma ranks No. 1 in the reduction of nutrients that pollute our water. This is the second year in a row where Oklahoma has led the nation in reduction of nutrients while receiving less than 3 percent of all federal EPA nonpoint source pollution funds.

According to Clay Pope, Executive Director of OACD, this reduction shows the success of locally led conservation efforts in addressing non-point source pollution and helps highlight why locally led incentive based programs are critical to ongoing efforts designed to address water quality both at the state and federal level.

"By using the delivery system consisting of the Oklahoma Conservation Commission, local conservation districts and NRCS, we have been able to use EPA 319 Federal Clean Water Act dollars and Farm Bill Conservation Title funds along with state dollars to partner with landowners in ways that are starting to turn the corner on some of Oklahoma's toughest water quality problems," Pope said. "We're not only controlling pollution, but we are also taking into consideration the financial situation of the local landowner. This is the same kind of approach we used to tame the Dust Bowl of the 1930s and these numbers show it's working again in the water quality area. Clearly we have a great model and it needs to be included in discussions surrounding water both in Oklahoma and the nation. You can have all the water in the world, but if it isn't fit to drink, you don't have much. These numbers prove that we are moving in the right direction in Oklahoma when it comes to water quality and we hope that our policy makers will continue to recognize what can be done when landowners and the government work cooperatively to solve these kinds of problems."

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PNM plans for power plant reductions; Utility donates to Navajo Nation, economic group

By Chuck Slothower The Daily Times Farmington Daily Times

Updated:

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Times.com

FARMINGTON — Public Service Company of New Mexico is working to ease the economic blow from the partial shutdown of San Juan Generating Station that is planned for the end of 2017.

PNM has pledged \$1 million to the Navajo Nation for job retraining. Many of the plant's employees are Navajo.

The Albuquerque-based utility company has also agreed to donate \$150,000 over three years to Four Corners Economic Development to help the group's efforts to diversify the local economy beyond the energy industries.

"You can't overemphasize the short-term negative impacts of closure," said Ron Darnell, PNM's senior vice president for public policy. "They're real, and they are substantial."

Darnell's comments came Wednesday at a meeting with environmental groups at St. Clair Winery and Bistro in Farmington. He spoke earlier in the day to Navajo Nation chapter officials.

PNM plans to shut down two of San Juan Generating Station's four stacks in 2017 as part of an agreement with the U.S. Environmental Protection Agency and New Mexico Environment Department. The utility intends to build a natural gas-fired plant nearby to help compensate for lost electric production.

The plan still must clear several regulatory hurdles.

The EPA is requiring the plant to reduce its emissions that contribute to regional haze in protected areas such as Mesa Verde National Park in southwest Colorado.

PNM says the partial shutdown would reduce emissions of nitrogen oxides — the primary target of the EPA regulations — by 62 percent. It would also reduce emissions of carbon dioxide, mercury and other pollutants.

PNM has vowed the company will not lay off workers at San Juan Generating Station, located 16 miles west of Farmington in Waterflow. Any job reductions could be reached through retirements and normal attrition, officials said.

It is not clear how many jobs will be lost through the process.

"We have not projected how many employees we think we will need in 2018, because it's going to depend on a number of factors," said Valerie Smith, a PNM spokeswoman.

The utility does not have a time line to fully close the plant as long as fuel and operating agreements can be extended, Darnell said. Those contracts expire in 2017 and 2022, respectively. A depreciation analysis conducted by PNM put the date at 2053.

PNM is looking to reduce its reliance on coal power. If the partial shutdown is approved, PNM would reduce its portfolio to about 40 percent coal, down from 60 percent.

"We're not here to say we're getting out of coal," said Darnell. "We wanted to rebalance our portfolio. We were too reliant on coal."

Environmentalists at the meeting pressed PNM to accelerate its development of renewable resources. Mike Eisenfeld, New Mexico energy coordinator for San Juan Citizens Alliance, said PNM could be doing more.

"It's time for us to make a transition," he said.

Darnell said cost plays a role in PNM's considerations, and some shareholders and rate payers demand the lowest prices possible.

Chuck Slothower can be reached at cslothower@daily-times.com; 505-564-4638. Follow him on Twitter @DTChuck.

The gasoline that can void your vehicle's warranty

Posted: 5:55 AM

Last Updated: 3 hours and 58 minutes ago



By: Michelle Lowry

TULSA -

E15 is gasoline blended with 15 percent ethanol; supporters say it is better for the environment.

Detractors say it will cause engine and fuel system damage. Advertisement

AAA released this information including a list of vehicle manufacturers who say fuel related claims caused by the use of E15 will either not be covered or will void the warranty coverage all-together:

AAA research reveals need for industry to suspend E15 sales to protect motorists.

As E15 gasoline slowly makes its way into Oklahoma, a recent AAA survey finds a strong likelihood of consumer confusion and the potential for voided warranties and vehicle damage as a result of E15 use. An overwhelming 95 percent of consumers surveyed have not heard of E15, a gasoline blend that contains up to 15 percent ethanol and has recently been approved for sale by the Environmental Protection Agency (EPA).

AAA is urging the industry to stop the sale of E15 until motorists are better protected. According to the Oklahoma Corporation Commission, five fueling stations now sell E15 in the state, all of them in the Oklahoma City area. More are likely to enter the marketplace as the nation strives to increase its use of renewable fuels, such as ethanol, as mandated by the EPA. Oklahomans who have fuel labeling concerns or complaints should contact the Oklahoma Corporation Commission at (405) 521-2211 or online at www.OCCeweb.com

Only about 12 million out of the more than 240 million light-duty vehicles on the roads today - less than five percent - are approved by manufacturers to use E15 gasoline, based on a survey conducted by AAA of auto manufacturers. AAA automotive engineering experts who have reviewed available research believe that sustained use of E15 in both newer and older vehicles could result in significant problems, such as accelerated engine wear and failure, fuel-system damage, and false "check engine" dashboard signals for any vehicle not approved by its manufacturer to use E15.

"Because so many motorists are unfamiliar with E15, there is a strong possibility that many may improperly fill up using this gasoline and damage their vehicle," said AAA Oklahoma spokesman Chuck Mai. "Bringing E15 to the market without adequate safeguards does not responsibly meet the needs of consumers."

Although the EPA-required E15 label at the pump (attached) states that E15 is approved for use in "2001 and newer passenger vehicles," unsuspecting drivers using E15 could end up with engine problems that might not be covered by their vehicles' warranties. Five manufacturers (BMW, Chrysler, Nissan, Toyota and Volkswagen) are on record saying their warranties will not cover fuel-related claims caused by the use of E15. Seven additional automakers (Ford, Honda, Hyundai, Kia, Mazda, Mercedes-Benz and Volvo) have stated that the use of E15 does not comply with the fuel requirements specified in their owner's manuals and may void warranty coverage.

The only vehicles currently approved by automakers to use E15 are flex-fuel models, 2001 model-year and newer Porsches, 2012 model-year and newer GM vehicles and 2013 model-year Ford vehicles. These approvals extend only to cars, light-duty trucks and SUVs. The use of E15 is expressly prohibited in heavy-duty vehicles, boats, motorcycles, power equipment, lawn mowers and off-road vehicles.

"Oklahoma drivers need to be more aware than ever of the choices they face at the gas pump," said Mai. "Now would be a good time to take a look at your owner's manual to see what blend of fuel your vehicle's manufacturer recommends and to protect yourself from voided warranties or potential damage."

AAA recommends additional testing be done to conclusively determine the impact of E15 use on vehicle engines and fuel system components.

The EPA in June approved the sale of E15 after receiving a waiver request from producers interested in expanding the use of corn-based ethanol. Despite objections by auto manufacturers, the EPA approved the use of E15 gasoline in flex-fuel vehicles and 2001 model year and newer cars, SUVs and light-duty pickups.

The survey findings related to consumer knowledge of E15 are from a telephone survey conducted among a national probability sample of 1,012 adults comprising 504 men and 508 women, 18 years of age and older, living in private households in the continental U.S.

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Budget

Obama Requests 3.5 Percent EPA Cut; Proposal Would Replace Sequester Cuts



By Patrick Ambrosio

President Obama April 10 proposed a fiscal year 2014 budget containing \$8.2 billion in total funding for the Environmental Protection Agency, a decrease of \$296 million, or 3.5 percent, compared to the fiscal 2012 enacted level.

The budget proposal would make "focused cuts" to EPA programs, including a \$472 million cut in funding for state water infrastructure funds and a \$33 million cut to the superfund program. The president also proposed \$54 million in savings through the elimination or reduction of EPA programs, including beach protection and indoor radon grants.

Bob Perciasepe, acting administrator of EPA, told reporters April 10 that the president's budget addressed "the budget realities of today while thinking of the challenges the future may hold."

Some EPA programs would see increased funding under the president's proposal, including state grants for air programs and water pollution control programs and funding for the restoration of the Chesapeake Bay. The president also requested funding for a new "E-Enterprise" program that would allow the regulated community to conduct its business with EPA electronically.

The budget proposal contains a total of \$176.5 million for climate change planning, including funding to aid U.S. communities in preparing for extreme weather and other climate change impacts and funding to address climate change through the reduction of deforestation and promotion of low-carbon growth in developing countries (see related story).

Budget Would Replace Automatic Sequester Cuts

The budget proposal includes \$1.058 trillion in discretionary spending for fiscal 2014, meeting the spending cap outlined under the Budget Control Act of 2011. The proposal contains \$1.8 trillion in deficit reduction over the next 10 years, which would replace the automatic discretionary spending cuts that were implemented April 1 under budget sequestration.

The president's budget proposal would actually represent an increase in EPA funding compared to the post-sequester levels, since it would replace the approximately \$472 million automatic cut to agency discretionary spending in fiscal 2013 with additional revenue and cuts to other federal programs.

Perciasepe said replacing the sequester will provide EPA with the "basic necessities" to continue its work on major regulations under development.

Cuts to Water Infrastructure Funds

The president's budget proposal would fund the clean water state revolving fund at a level of \$1.095 billion in fiscal 2014, a cut of approximately \$375 million, or 25 percent, compared to the fiscal 2012 enacted level (see related story).

The state drinking water revolving fund would receive \$817 million in fiscal 2014 under the president's budget, a \$101 million reduction compared to the \$918 million it received in fiscal 2012.

BNA Snapshot

Fiscal 2014 EPA Funding

Key Development: The White House releases a fiscal 2014 budget proposal containing \$8.2 billion in funding for EPA, a \$296 million, or 3.5 percent, cut compared to fiscal 2012 enacted level.

Impact: Proposed budget would cut funding for state water infrastructure funds and the superfund program, while increasing grants for state air and water pollution activities.

Dan Hartnett, director of legislative affairs for the Association of Metropolitan Water Agencies, told BNA in an April 10 email that the budget proposal would fund the drinking water revolving fund at its lowest level since 1999. He said a fourth consecutive year of reduced federal aid to the revolving funds, combined with a separate proposal to limit tax exemptions for municipal bond interest that would increase borrowing costs for infrastructure projects, makes the proposal a "difficult one for community water systems."

Adam Krantz, managing director of government and public affairs for the National Association of Clean Water Agencies, told BNA in an email that the proposed cuts are "disappointing and inequitable," since the revolving funds were targeted for such a large cut while other EPA programs would see funding increases under the budget proposal.

Perciasepe defended the SRF cuts, describing the proposal as "choices we have to make when there are declining resources." He estimated that over \$20 billion in federal funding has been allocated to the revolving funds since 2009.

Increased Spending on Air, Water Pollution

The budget proposes a total of \$1.1 billion in grants to support state and tribal implementation of environmental programs delegated by the federal government.

State grants for air programs would receive \$257 million in fiscal 2014, an increase of \$21.5 million. The additional funding would aid states in completing their additional responsibilities associated with greenhouse gas and air pollution reduction efforts, according to budget documents.

S. William Becker, executive director of the National Association of Clean Air Agencies, praised the administration for requesting a "much-needed increase" in federal grants for state and local clean air programs.

"While the resource needs for these vitally important state and local programs are far greater, we understand that full funding in the current economic climate is unlikely," Becker said. "Therefore, we appreciate the administration's recognition of the importance of healthful air quality for the residents of our country and we hope Congress will follow suit by appropriating the recommended amount."

The president's budget also calls for a total of \$259 million in funding for state water pollution grants awarded under Section 106 of the Clean Water Act, a \$20 million increase compared to fiscal 2012.

Alexandra Dunn, executive director and general counsel of the Association of Clean Water Administrators, told BNA April 10 that the proposed \$20 million increase is "an illusion of increase" because the agency specified that \$15 million of the increased funding must be spent on nutrient management programs.

"We need flexibility on how we use these funds," Dunn said. "They are increasing the amounts, but at the same time they are telling states how to spend the lion's share of this increase."

E-Enterprise Initiative

The EPA budget proposal includes a total of \$60 million, spread across different programs, to support a new E-Enterprise initiative.

The agency would use the funding to develop a web-based portal that would allow regulated entities to apply for permits, check their compliance status, report air emissions, and learn of new regulations.

EPA said the E-Enterprise initiative would reduce the paperwork and regulatory reporting burden while giving industry, the government, and the public better information on environmental issues.

Superfund, Brownfields Cuts

The president's budget request also would cut spending on the superfund program, which received \$1.21 billion in fiscal 2012, by a total of \$33.4 million.

The superfund reductions would be targeted "largely to new project phases" of remediation projects while providing EPA with adequate funding to prepare for emergency situations that pose an "imminent risk of exposure and harm" to the public, according to budget documents.

EPA said it would focus on completing construction activities at 15 sitewide construction projects and 110 individual projects by the end of the fiscal year.

The brownfields program would receive \$85 million in funding under the president's budget request, a cut of \$9.8 million.

Beach, Radon Grants Targeted for Elimination

The budget also would eliminate a \$10 million beach protection grant program and an \$8 million state indoor radon grant program. Those programs have been targeted for elimination in past budget proposals from the Obama administration, but have yet to be eliminated through the appropriations process.

EPA said both of those grant programs have successfully supported the development of state and local programs that will allow for continued protection without federal support.

The Diesel Emissions Reduction Grant Program, which has been targeted for significant cuts in past budget proposals, would receive just \$6 million in fiscal 2014, compared to \$30 million in fiscal 2012. The administration is attempting to transition that program away from continued federal support by implementing a modified strategy that makes use of rebates and revolving loan funds, EPA said.

Restoration, Chemical Funding

The fiscal 2014 budget request also includes funding for various environmental restoration programs, including level funding of \$300 million for the Great Lakes Restoration Initiative.

Additionally, the Chesapeake Bay restoration program would receive \$73 million in fiscal 2014 under the budget proposal, an increase of \$15.7 million compared to fiscal 2012 enacted levels.

The administration also requested \$686.2 million for EPA's chemical safety activities, which the agency said would allow for the successful management of potential risks of new chemicals without hindering the progress of assessing the safety of existing chemicals. EPA's chemical risk review program will receive an additional \$5.6 million under the president's budget to develop, peer review, and finalize risk assessments of additional Toxic Substances Control Act work plan chemicals and increase the pace of reviewing confidential business information cases.

Contributing to this report was Amena Saiyid

For More Information

The EPA section of President Obama's fiscal 2014 budget request summary is available at <http://op.bna.com/env.nsf/r?Open=fwhe-96mt6q>.

A more-detailed summary of EPA funding prepared by the agency is available at <http://www2.epa.gov/sites/production/files/documents/fy2014bib.pdf>.

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THE POLITICS AND BUSINESS OF UNCONVENTIONAL ENERGY

3. HYDRAULIC FRACTURING:**Trio of Texas bills attempt to tackle water use in drilling**

Nathanial Gronewold, E&E reporter

Published: Thursday, April 11, 2013

Democrats in Texas are moving to more tightly regulate freshwater use for hydraulic fracturing in oil and gas operations, proposing new recycling rules and fees in the nation's biggest energy state.

Yesterday in Austin, members of the state House Energy Resources Committee took up for the first time a handful of bills that would push drillers in the state to use recycled flowback or produced water in hydraulic fracturing.

Drought concerns were cited as the principal motivations for the bills. The Texas Commission on Environmental Quality fears that Texas is headed for another severely hot and dry summer this year, a repeat of the record one-year drought of 2011 that devastated agriculture and threatened to leave some communities completely dry.

One proposed law would install mandatory hydrofracking flowback water recycling or reuse, while another measure would ban the disposal by injections wells of water used in fracking operations unless there was no other way to handle the waste.

A third bill calls for a 20-cent-per-1,000-gallon fee on water use, a measure the bill's author said would incentivize companies to more quickly move away from mainly freshwater use to alternatives.

All three bills were crafted by Texas Democrats, two representing districts in the Eagle Ford Shale drilling zone and one from the Barnett Shale region of the state. While no one from the oil and gas industry spoke in favor of or opposition to the water recycling and fees bills at yesterday's hearing, environmental advocates voiced their support.

H.B. 3537, drafted by Rep. Roland Gutierrez of Bexar County, would direct the Railroad Commission of Texas to create rules that would require recycling or reuse of "flowback and produced water from an oil or gas well on which a hydraulic fracturing treatment has been performed." The Railroad Commission regulates the oil and gas industry in the state.

The bill doesn't require companies to treat water to the point where it would be considered potable again. Instead, it proposes giving companies a choice: Treat the wastewater to a point where it is either reusable for another hydraulic fracturing job, can be discharged back into the environment, or can be "used for another beneficial purpose."

A similar bill put forth by Rep. Tracy King, H.B. 2992, would ban companies from injecting produced and flowback water into the state's injection wells "unless the well is incapable of being treated" to standards allowable for reuse or safe discharge.

H.B. 3595, by Rep. Lon Burnam of Fort Worth, calls for imposing fees on total fresh water used in a hydraulic fracturing job per well. That money would be directed to a fund that is to be used to help pay for future water reconstruction projects, part of a multidecade statewide water plan that that will likely soon become law.

Well-known Texas environmentalists spoke out in favor of the bills.

Calvin Tillman, the former mayor of Dish, Texas, who became famous for fighting over a gas compressor station that residents said was making them sick, said new recycling rules and a fee on freshwater use are necessary to protect water supplies in the drought-prone state. Most drilling and hydraulic fracturing activity in Texas is currently concentrated in south and west Texas and the Panhandle region, which are among the most arid parts of the state.

"This would incentivize developing those new technologies," Tillman said. "This would preserve one of the most valuable natural resources that we have here in Texas."

Sharon Wilson of the group Earthworks spoke out strongly in favor of the 20-cent-per-1,000-gallon fee. She pointed to existing and emerging technologies and techniques to use or treat brackish groundwater as evidence that the industry does have an alternative to fresh water.

"We need to pressure industry to innovate," she said.

Addressing water woes

Industry, state regulators and environmental groups estimate that hydraulic fracturing for oil and gas operations currently account for around 3 percent of the state's freshwater consumption. Some 26 percent goes to urban landscaping, while about 56 percent is used in agriculture.

But in the regions where drilling occurs, the impact is much bigger, with drillers using up to 30 percent or more of the water. Landowners and other water users in drilling boom areas are increasingly complaining of dropping water tables or difficulties pulling water from wells. Four to five million gallons of water, or more, can be used for one hydraulic fracturing job.

Recycling and reuse are gradually creeping into the Texas oil and gas industry, and major oil field service players like Halliburton Co. are actively marketing new technologies to reprocess and reuse both flowback and produced water. Additional barrels of oil could also be pulled from produced water especially, netting companies more revenue.

It's estimated that up to 20 percent of water used in the Anadarko Basin in the Panhandle for oil and gas operations is recycled and reused flowback water, the highest rate for any region of the state, according to the group Environment Texas. Water recycling is increasing in the west Texas Permian Basin is also on the rise.

Recycling rates are low in the Eagle Ford Shale, but companies developing technologies for treating flowback and produced water are moving to market their wares actively in that part of the state. Officials at OriginOil Inc., a California company in talks with companies to license a recycling technology of theirs, estimate that maybe 2 percent or less of the water used by Eagle Ford drillers is recycled flowback or produced water.

Last month, the Railroad Commission passed a set of new rules aimed at encouraging the industry to recycle and reuse more of its water. Rule changes eliminated a requirement that oil and gas companies in Texas obtain a recycling permit from the commission if operators recycle on their own leases or transport the water to be recycled by another operator.

"Water use has been a major concern examined by my Eagle Ford Shale Task Force, and I commend our staff for working to streamline our rules to encourage more recycling," Railroad Commissioner David Porter said in a release announcing the rule change.

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Daily News

Agriculture Industry Charges Bias In Draft EPA Stream Quality Survey Data

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The agriculture industry is attacking the assumptions underlying EPA's first-time draft survey of water quality conditions of major rivers and streams, saying the report -- which claims resources are "under significant stress" due to excess levels of nutrients and other pollutants -- cherry-picks "pristine" baseline conditions not achievable in areas with even minimal human impact.

"They found the least impacted streams they could find," and used them as benchmarks, setting an unrealistic standard for waterbodies that have experienced even minor impacts due to human activity, an industry source says. "They say there's a big distinction between the 'least-impacted' waters" used for the study and "pristine" waterbodies, the source says, but "I don't see it."

Concerns over the samples used to create the baseline for EPA's draft National Rivers and Streams Assessment dominated a meeting between agriculture groups and acting agency water chief Nancy Stoner April 2, the source says, and will be the subject of at least one future talk between EPA and industry.

"We had a really heated discussion over what is a 'pristine river' versus 'least disturbed'. . . . We do need to have that conversation with EPA, and we didn't get to that point" yet, the source says.

The draft assessment, released March 26, is expected to provide officials with a new justification to clamp down on urban and agricultural stormwater runoff, as well as wastewater plants that the agency says are especially harmful. The study is part of the agency's expanded efforts to monitor waterways and gather scientific data on the condition of the country's water resources.

Stoner suggested in a statement that the survey results may help the agency justify a pending policy on the reach of the Clean Water Act (CWA) that the agency has long sought to ensure subjects upstream reaches, tributaries and other marginal waters to regulation.

"The health of our Nation's rivers, lakes, bays and coastal waters depends on the vast network of streams where they begin, and this new science shows that America's streams and rivers are under significant pressure," she said in a statement. "We must continue to invest in protecting and restoring our nation's streams and rivers as they are vital sources of our drinking water, provide many recreational opportunities, and play a critical role in the economy."

The survey identified several critical water quality problems that are impairing waters' biological health, including excessive nitrogen and phosphorous levels, decreased vegetation cover and "increased human disturbance." It also found potential human concerns, including increased bacteria levels, and increased mercury levels -- both of which can be harmful for human recreation and for mercury levels in fish and shellfish.

The agency said that 27 percent of rivers and streams have excessive levels of nitrogen, and 40 percent have high levels of phosphorus, confirming the agency's long-standing focus on addressing excess nutrients. It similarly found that 24 percent of the rivers and streams monitored were rated poor due to the loss of healthy vegetative cover.

Nitrogen Impairment

But the industry source says the study's conclusions on nitrogen impairment appear unfounded, because data in the draft show nitrogen levels decreasing from previous years.

"Nitrogen trends are in our favor right now," but that information, though it was included in the body of the report, was not reflected in the its conclusions, the source says.

The study says the percentage of stream length in "good condition" for phosphorus dropped nationally from 52.8 percent to 34.2 percent and declined in all three major climatic regions.

However, other indicators showed an increase in stream length in good condition: for example, the percent of stream length in good condition for nitrogen rose from 46.6 percent in 2004 to 55.4 percent. The percentage of stream length with good in-stream fish habitat rose from 51.7 percent to 68.9 percent; and the percentage of stream length in good condition for riparian disturbance (i.e., with low levels of disturbance) rose from 22.7 percent to 34.8 percent.

EPA does not define what it means by "good," "poor" or other qualitative measures, though the agency does not classify waters as being "impaired," a term that can carry regulatory significance, because states are required to make those determinations under the CWA.

Nevertheless, EPA says the survey paints a picture of the condition of the nation's rivers and streams that shows they are "under significant stress," especially due to "poor" biological conditions.

"Phosphorus, nitrogen, and streambed sediments in particular have widespread and severe impacts; reducing levels of these constituents will significantly improve the biological health of rivers and streams," the survey says. It says that this shows the need to address "the many sources of these stressors -- including runoff from urban areas, agricultural practices, and wastewater -- in order to ensure healthier waters."

The survey's data was collected from approximately 2,000 sites and analyzed by EPA, state and university scientists between 2008 and 2009 and is the most up-to-date, comprehensive data available, according to an EPA statement.

The results appear likely to provide a baseline against which EPA will be able to measure water quality conditions, and the agency notes that it is already working with states to begin collecting 2013-14 data for the next survey. While the agency in 2004 conducted a wadeable streams assessment, it was not as far-reaching as the current data.

The survey is also important because it marks the first time EPA has been able to collect disparate state data and assemble it into a single survey. EPA notes that because states use different methods for collecting and assessing data, it makes it difficult to compare this information nationwide. As a result, EPA says its surveys are intended to complement the state-specific information and provide policymakers with national and regional context.

According to the latest data, EPA has found some statistically significant changes in stream conditions since the 2004 survey. For example, the agency says the amount of stream length in "good quality" for macroinvertebrate condition dropped from 27.4 percent in 2004 to 20.5 percent this change appears driven in large part by a 13.3 percent decline in streams in good condition in the Plains and Lowlands climatic region.

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